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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

TERESA HERNANDEZ GOMEZ,

Defendant and Appellant.

F072042

(Madera Super. Ct. Nos. MCR044702,
MCR044540, MCR045395)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Madera County. Ernest J. LiCalsi, Judge.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Kane, Acting P.J., Detjen, J., and Smith, J.

INTRODUCTION

In three different cases, appellant Teresa Hernandez Gomez pled guilty to one count of violating Health and Safety Code section 11377, subdivision (a) (MCR044540); one count each of violating Penal Code sections 148, subdivision (a)(1)¹ and 459, (MCR044702); and to one count each of violations of Health and Safety Code sections 11364.1 and 11377, subdivision (a) (MCR045395). Gomez does not challenge her pleas; the appeal is from the sentence or other matters occurring after her pleas. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm.

FACTUAL AND PROCEDURAL SUMMARY

Because Gomez does not challenge her pleas, we dispense with a recitation of the factual circumstances of the offenses and the proceedings prior to entry of her pleas.

A. Case MCR044540

On October 12, 2012, Gomez pled guilty to one count of violating Health and Safety Code section 11377, subdivision (a). On December 14, 2012, the trial court placed Gomez on formal probation, subject to various terms and conditions.

On January 25, 2013, a petition to revoke probation was filed; the petition alleged three violations of probation. Gomez initially denied the probation violation allegations, but subsequently admitted all three violations. The trial court revoked and then reinstated probation for three years, calculated from the initial date of December 14, 2012.

A second petition to revoke probation was filed July 18, 2013. Once again, Gomez initially denied the probation violations, but later admitted the violations. The trial court revoked and then reinstated probation, for a term of five years calculated from the December 14, 2012 date.

¹ All statutory references are to the Penal Code, unless otherwise noted.

Gomez filed a motion seeking to be awarded additional time credits pursuant to section 2935. The trial court did not award additional time credits.

Gomez failed to appear for scheduled hearings in November 2013 and a bench warrant was issued. Gomez notified the trial court she was in custody in an adjacent county and wished to submit a section 1381 request on her outstanding cases. A petition to revoke probation was filed June 9, 2014. Gomez admitted the probation violation on May 29, 2015.

On June 26, 2015, the trial court reduced the conviction from a felony to a misdemeanor pursuant to section 1170.18. The trial court revoked, but declined to reinstate, probation. Gomez was sentenced to 233 days in the county jail, with credit for 233 days served.

B. Case MCR044702

Pursuant to a plea agreement, Gomez pled guilty on December 14, 2012, to one count each of violations of sections 459 and 148, subdivision (a)(1). In exchange for her plea, she was to receive a six-year prison sentence, suspended; a grant of five years' probation, conditioned upon serving 180 days in county jail; and dismissal of other counts.

The trial court imposed a term of six years in state prison for the section 459 offense, but found unusual circumstances and suspended the sentence, and imposed a term of five years' probation. A total of 609 days of presentence credit was awarded. For the section 148 conviction, a term of 60 days in jail was imposed, with 60 days of credit awarded for time served.

A petition for revocation of probation was filed January 25, 2013. Subsequently, Gomez admitted three probation violations. The trial court revoked, and then imposed, probation for a term of five years from December 14, 2012.

On July 18, 2013, another petition to revoke probation was filed. Eventually, Gomez admitted the probation violation. Gomez moved for time credits pursuant to section 2935.

On November 8, 2013, the trial court revoked and then reinstated probation, for a period of five years from December 14, 2012. No additional custody credits were awarded, as requested by Gomez.

Gomez subsequently failed to appear for hearings and a bench warrant was issued. Gomez notified the trial court she was in custody in an adjacent county. A petition for revocation of probation was filed June 9, 2014.

Gomez admitted the probation violations on May 29, 2015. On June 26, 2015, the trial court sentenced Gomez on the section 148, subdivision (a)(1) conviction to 305 days in county jail, with credit of 305 days for time served. The trial court also ordered execution of the six-year prison term previously imposed, but suspended, for the section 459 conviction.

Gomez subsequently requested modification of the award of presentence credits. The request was denied.

C. Case MCR045395

On October 10, 2013, Gomez pled guilty to one count each of violating Health and Safety Code sections 11364.1 and 11377, subdivision (a), and admitted one prior serious or violent felony conviction pursuant to section 667.

On November 8, 2013, the trial court struck the prior conviction pursuant to *People v. Superior Court (Romero)* (1996)13 Cal.4th 497. Gomez was placed on formal probation for five years, subject to various terms and conditions, including serving 269 days in the county jail, with credit for time served.

Gomez failed to appear for a scheduled hearing and a bench warrant issued. Gomez was confined in jail in an adjacent county and notified the trial court she wanted

to make a section 1381 request. A petition to revoke Gomez's probation was filed and Gomez admitted the violations.

On June 26, 2015, the trial court reduced the felony Health and Safety Code section 11377, subdivision (a) conviction to a misdemeanor pursuant to section 1170.18. The trial court revoked, and declined to reinstate, probation. Gomez was sentenced to a term of 364 days in county jail, with credit for 364 days served.

Gomez requested modification of presentence custody credits. The trial court denied the request.

D. Appeal

Gomez filed a notice of appeal in case MCR044702 on July 22, 2015. She then filed a notice of appeal for all three cases on August 5, 2015. The notice of appeal states that the appeal is based on the sentence or other matters occurring after the plea.

DISCUSSION

Appellate counsel was appointed September 8, 2015. Counsel filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436 on December 23, 2015. That same day, this court issued its letter to Gomez, inviting her to submit supplemental briefing. On January 5, 2016, this court received a notification of change of address for Gomez. The letter inviting supplemental briefing was resent to Gomez's new address. No supplemental brief was filed.

Gomez pled to each of the offenses that are the subject of this appeal; was sentenced in accordance with her pleas; violated probation multiple times; and admitted the probation violations. The trial court awarded custody and conduct credits, and imposed various fines and fees. The abstract accurately reflects the trial court's sentence after probation was revoked and not reinstated.

After an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.